



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 26 2014

CERTIFIED MAIL 7012 1010 0002 0759 5485
RETURN RECEIPT REQUESTED

Mr. Tom Reeder
Water Resources Division Director
North Carolina Department of Environment
and Natural Resources
1611 Mail Service Center
Raleigh, North Carolina 27699-1611

Re: Notice of Violation No.: 309-2014-03
National Pollutant Discharge Elimination System Permit No.: NC0021920
City of Whiteville Wastewater Treatment Plant


Dear Mr. Reeder:

Pursuant to Section 309(a)(1) of the Clean Water Act, 33 U.S.C. § 1319(a)(1), the U. S. Environmental Protection Agency Region 4 has determined that the City of Whiteville (City) is in violation of its National Pollutant Discharge Elimination System Permit No.: NC0021920 (Permit) for the City of Whiteville Wastewater Treatment Plant and has violated, at a minimum, effluent requirements for the parameters summarized here: Mercury, Zinc and Dissolved Oxygen. The EPA is simultaneously notifying the City of these findings through the issuance of a Notice of Violation (NOV). A copy of the NOV to the City is enclosed for your convenience and record.

If the State of North Carolina (State) commences appropriate action within 30 days of receipt of this letter to ensure that the City achieves expeditious compliance with its Permit, additional involvement by the EPA may not be required. However, if the State does not take such action, the EPA may then take the necessary steps to require the City to come into compliance. Please advise the EPA within 15 days of receipt of this letter of the action(s) you plan to take in this matter to ensure that the City achieves expeditious compliance with its Permit requirements. If a formal enforcement action is taken, please provide a copy of the applicable documents for our records.

If you have questions regarding this notice, please contact Ms. Mary Mattox, of my staff, at (404) 562-9733 or via e-mail at mattox.mary@epa.gov.

Sincerely,



James D. Giattina
Director
Water Protection Division

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

CERTIFIED MAIL 7012 1010 0002 0959 5475 **MAR 26 2014**
RETURN RECEIPT REQUESTED

Mr. Newlyn McCullen
Superintendent
City of Whiteville
1000 Nolan Avenue
P.O. Box 607
Whiteville, North Carolina 28472

Re: Notice of Violation No.: 309-2014-03
Information Request pursuant to 308 of the Clean Water Act
National Pollutant Discharge Elimination System Permit No.: NC0021920
City of Whiteville Wastewater Treatment Plant

Dear Mr. McCullen:

Pursuant to Section 309(a)(1) of the Clean Water Act (CWA), 33 U.S.C. §1319(a)(1), the U.S. Environmental Protection Agency Region 4 hereby notifies the City of Whiteville that it has violated its National Pollutant Discharge Elimination System Permit No.: NC0021920 (Permit) for the City of Whiteville Wastewater Treatment Plant (City). Specifically, the City has violated effluent requirements for the parameters and months summarized below:

<u>Parameter</u>	<u>Violation</u>	<u>Measurement</u>	<u>Limit</u>	<u>Outfall</u>	<u>Reporting Period</u>
Mercury	Daily Maximum	.0133 mg/L	.012 mg/L	001	05/31/2011
Mercury	Daily Maximum	.013 mg/L	.012 mg/L	001	07/31/2011
Mercury	30 Day Average	.034 mg/L	.012 mg/L	001	03/31/2012
Mercury	Daily Maximum	.117 mg/L	.012 mg/L	001	03/31/2012
Zinc	Daily Maximum	71.0 mg/L	67.0 mg/L	001	01/31/2012
Zinc	Daily Maximum	82.0 mg/L	67.0 mg/L	001	01/31/2012
Dissolved Oxygen	Daily Minimum	5.0 mg/L	4.5 mg/L	001M	09/30/2013

The EPA requests, pursuant to Section 308 of the CWA, 33 U.S.C. §1318, that the City provide a written explanation of the reasons for each of the aforementioned violations, and any other effluent violations that may have occurred from January 1, 2013, to the present, and provide a summary of actions taken or planned by the City to correct the problems and to prevent future violations. In instances where the actions are planned, please include a schedule for completing the actions.

All information submitted must be accompanied by the following certification signed by a responsible official:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or

persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Failure to comply with this information request may result in enforcement proceedings under Section 309 of the CWA, 33 U.S.C. § 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for the falsification of any response to the requested information.

If you believe that any of the requested information constitutes confidential business information, you may assert a confidentiality claim with respect to such information except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure D.

The City must submit this information within 30 days of receipt of this correspondence. The submittal must be addressed to:

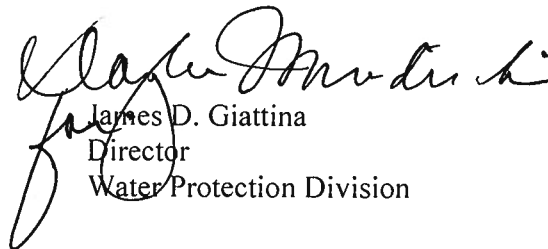
Ms. Mary Mattox
U.S. Environmental Protection Agency Region 4
Clean Water Enforcement Branch
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

The State of North Carolina is being notified concurrently of these findings. The EPA is coordinating with the State to ensure that timely and appropriate enforcement action is taken and compliance with the conditions of the Permit is achieved.

If these violations are not resolved in a timely or appropriate manner, and/or the City fails to respond to the Information Request, the EPA may take enforcement action, which may include issuance of an administrative order, assessment of administrative penalties or initiation of a civil judicial action, pursuant to Section 309 of the CWA, 33 U.S.C. §1319.

If you have questions regarding this notice and information request, please contact Ms. Mary Mattox at (404) 562-9733 or via e-mail at mattox.mary@epa.gov.

Sincerely,



James D. Giattina
Director
Water Protection Division

Enclosures

cc: Mr. Tom Reeder
North Carolina Department of Environment and Natural Resources

ENCLOSURE D

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS (40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulation relating to business confidentiality claims are found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, EPA may make the information available to the public without any further notice to you.

40 C.F.R. §2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.